

REMARKS:

Claim 8 has been replaced with new claim 9, and the specification has been amended to ensure that there is textual support for new claim 9. Minor amendments have been made to Fig. 4 to clearly identify the arms 91 in the cutter support frame 90. No new matter has been added to the specification or drawings.

Reconsideration of the rejection of the claims in this application on the basis of the Ross and Pickler references is requested for the following reasons.

As mentioned in the amendment dated August 4, 2004, applicant acknowledges that she has taken the Ross invention and improved upon it in what is believed to be a patentable (inventive) manner. Both applicant and Ross disclose an apparatus for cutting paper or another flat media to a desired length and width. In the case of the Ross device, the media is cut to the desired width by adjusting the location of the single cutter head assembly 100 and manually pulling the media through the device. The media is cut to length by pulling the media through the device and sliding the cutter across the width of the media. The cutting operations carried out using the Ross device are illustrated in Figs. 1 to 3 of this application. In contradistinction, when using applicant's device which includes a pair of cutters mounted on the arms of the pivotable support frame, the cutter head for effecting a longitudinal cut is easily positioned before the media is drawn beneath the cutter heads to make a longitudinal cut as the media is drawn beneath the rails extending between the arms of the cutter head support frame. It is then a simple matter to slide the second cutter head transversely to effect a length cut. The sole issue is whether the specific apparatus claimed by applicant is obvious in view of Ross when combined with Pickler.

When considering the question of combining references, as stated in the Manual of Patent Examining Procedure (MPEP), the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination [*In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)]. Moreover, as stated in Section 2145 of MPEP, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art [*In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981)].

In the present case, the prior art does not suggest the desirability of combining Pickler with Ross. Moreover, since Ross clearly teaches that both longitudinal and transverse cuts can be effected using a single cutter head assembly 100, there would be no incentive to combine the teachings of Pickler with those of Ross. As clearly described in column 9, lines 6 to 26 of Ross, the media 5 is cut to length by positioning the blade 103 and sliding the cutter head assembly 100 on the rods or rails extending across the width of the media. The media is cut to a desired width by sliding the cutter head assembly 100 to a position corresponding to the desired width, positioning the blade 103 perpendicular to the front member 81 and pulling the media outward across the working surface 20. Clearly, there is no suggestion of the desirability of adding a second cutter assembly as taught by Pickler.

Admittedly, Pickler teaches the use of a pair of cut-off blade units mounted on crossbars or rails extending between side members on a table 10. However, the rails are fixedly mounted between the side members and are not connected to a pair of arms

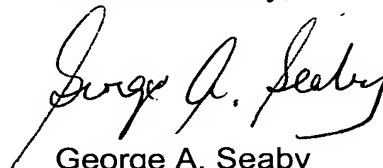
pivotally connected to media support columns or posts. While the single cutter head assembly 100 of Ross is mounted on rails extending between arms pivotally connected to media support columns 30 and 40, there is neither a second cutter assembly in the Ross device nor any suggestion that such a second cutter assembly would be useful or desirable. In fact, since Ross effects both longitudinal and transverse cuts using a single cutter assembly, the patent teaches away from the combination claimed by applicant in this case.

As suggested in the amendment dated August 3, 2004, in mechanical terms, if the person skilled in the art to which the present invention relates decided to incorporate a second cutter in the Ross device relying on the teachings of Pickler, there is no reason to believe that such person would think to make the side members 82 and 83 of the Ross U-shaped assembly 80 longer, add a second set of rails (rods 84 and 85), and mount a second cutter head assembly 100 on such rails. The obvious modification of Ross suggested by Pickler would be to provide a second pair of posts or frame sides downstream of the first cutter assembly 100 in a direction of media travel, and mount a second set of rails and a second cutter assembly on such posts or sides.

In summary, it is readily apparent that Ross did not appreciate the advantage to be gained by having a pair of cutter assemblies mounted on rails or tracks extending between a pair of pivot arms to simplify the cutting of a media both longitudinally and transversely. While Pickler does teach the use of a pair of cutter assemblies for cutting a media both longitudinally and transversely, there is no suggestion in the prior art with respect to the desirability of the combination in question.

Early and favourable reconsideration of this application is requested.

Yours sincerely,

A handwritten signature in cursive script, reading "George A. Seaby". The signature is written in dark ink and is positioned above the printed name and registration number.

George A. Seaby
Reg. No. 24,034

GAS:mg
Encl.
Seaby & Associates
603 - 250 City Centre Avenue
Ottawa, ON K1R 6K7
Tel: (613) 232-5815
Fax: (613) 232-5831

path Z. The rolled media 15 is supported on the cutting device 10 by means of two media support columns 30 and 40; although other media support means, which allow for easy unrolling of the media 15 along the path Z, are equally suitable. The cutting device 10 further comprises two ~~moveable~~ movable or slidable cutters 50 and 60 supported on cutter guides 70 and 80. The guides 70, 80 are oriented perpendicular to the path Z of the media 15 as it unrolls across the surface 20. In this embodiment the guides 70, 80 are separate pieces, however, the two guides 70, 80 could also form a single unit without departing from the scope of the invention.

The first cutter 50 is capable of cutting the rolled media 15 substantially parallel to the unrolling path Z, while the second cutter 60 is capable of cutting the rolled media 15 substantially perpendicular to the unrolling path Z. Preferably, the cutters 50, 60 comprise a circular cutting blade (not ~~show~~ shown) although a variety of different types of cutters are ~~know~~ known in the prior art which would be equally suitable.

Advantageously, the cutters 50, 60 and guides 70, 80 are supported on a frame 90 pivotally connected to the base of the media support columns 30, 40 at pivot points 100 so as to facilitate unrolling of media 15 across the surface 20 prior to cutting. As clearly shown in Fig. 4, the frame 90 includes a pair of arms 91 pivotally connected at their inner ends to the media support columns. The cutter guides 70 and 80, which are parallel and spaced apart, extend between the arms 91, so that the cutters 50 and 60 can move transversely across the path Z of travel of the media.

Figure 5 illustrates the initial steps in the operation of the cutting device 10, For illustrative purposes, only the media 15, the two cutters 50, 60, and the cutter guides

70,80 are diagrammatically shown. Although the cutters 50, 60 are diagrammatically shown to be within the cutting guides 70, 80 it is understood that a variety of cutter and cutter guide embodiments may be successfully utilized.

Note: The lead line for "90" has been shortened, and "91" has been added twice